

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Waiver by)	
)	
Hampton County School District 2)	File Nos. SLD-232853, 232945,
Estill, South Carolina)	234858
)	
Schools and Libraries Universal Service Support)	CC Docket No. 02-6
Mechanism)	

ORDER

Adopted: January 22, 2004

Released: January 23, 2004

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Hampton County School District 2 (Hampton County), Estill, South Carolina, seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ Prior to the time that Hampton County filed its request with the Commission, it also filed a Request for Waiver of the same decision with SLD.² The Commission's rules do not contemplate simultaneous appeals of SLD's decisions to the Administrator and the Commission.³ We therefore dismiss without prejudice Hampton County's Request for Waiver to the Commission. Once the Administrator has issued its decision, Hampton County may then appeal to the Commission, if it believes such an appeal is warranted at that time.⁴

¹ Letter from Dennis Thompson, Hampton County School District 2, to Federal Communications Commission, filed October 21, 2003 (Request for Waiver). Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² Letter from Dennis Thompson, Hampton County School District 2, to Schools and Libraries Division, Universal Service Administrative Company, filed September 24, 2003.

³ 47 C.F.R. § 54.720 (when an applicant has an appeal pending with the Administrator, the period to file with the Commission is tolled until the Administrator's review is complete).

⁴ See 47 C.F.R. §§ 54.719 – 54.725 (setting forth rules pertaining to Commission review of the Administrator's decisions).

2. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Waiver filed on October 21, 2003, by Hampton County School District 2, Estill, South Carolina, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Narda M. Jones
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau